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Counsel for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OHIO ENVIRONMENTAL COUNCIL,

Plaintiff,

v.

U.S. FOREST SERVICE, *et al.*,

Defendants.

Case No. 2:21-cv-4380-ALM-KAJ

Chief Judge Algenon L. Marbley
Magistrate Judge Kimberly A. Jolson

**JOINT MOTION TO STAY BRIEFING ON
PLAINTIFF'S MOTION FOR
ATTORNEYS' FEES AND COSTS**

Plaintiff Ohio Environmental Council has filed a motion for attorneys' fees and costs pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. In order to facilitate settlement discussions regarding Plaintiffs' motion, Plaintiffs and Federal Defendants jointly move this Court to stay briefing on the motion for 120 days, pursuant to Civil Local Rule 7.3(a) and Fed. R. Civ. P. 6(b).

Counsel for the parties have conferred regarding the time to respond to Plaintiffs' fee motion, and agree in good faith to attempt to settle Plaintiffs' request for fees without court involvement. The parties jointly request that the Court grant a continuance and stay of briefing and proceedings on the motion for 120 days or until March 19, 2024, to enable them to attempt

to reach agreement on Plaintiffs' fee motion. If the parties are unable to reach a settlement, on or before March 19, 2024, they will so inform the Court and either request an additional continuance and stay if good faith settlement negotiations continue, or propose a briefing schedule to address Plaintiffs' motion for attorney's fees and costs. With this motion to stay, neither party waives any argument about Plaintiffs' eligibility or entitlement to fees, or to the amount of any award of fees.

Accordingly, the parties respectfully request that the Court enter an order (1) staying the briefing on Plaintiff's Motion for Attorneys' Fees and Costs and (2) requiring the parties to file a status report on or before March 19, 2024.

Respectfully submitted this 20th day of November, 2023.

/s/ Nathan G. Johnson
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CERTIFICATE OF SERVICE

I certify that on November 20, 2023, I filed the foregoing via the CM/ECF system which will provide electronic service to counsel of record.

Dated: November 20, 2023

/s/ Nathan G. Johnson
NATHAN G. JOHNSON